

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 11-20421

Plaintiff,

Honorable John Corbett O'Meara

v.

JOHN ROBERT KENNEDY,

Defendant.

/

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S JANUARY 9, 2012
MOTION FOR BILL OF PARTICULARS**

This matter came before the court on defendant John Robert Kennedy's January 9, 2012 motion for a bill of particulars. The government filed a response February 16, 2012; and defendant Kennedy filed a reply February 22, 2012. No oral argument was heard.

Count One of the Indictment alleges that defendant Kennedy "knowingly received and possessed explosive materials, including but not limited to chemicals including nitrate, potassium chlorate/perchlorate, sulfur and other chemicals typically used in the manufacture of explosive devices[.]" Defendant contends that the "allegation does not adequately apprise [him] so that he may prepare for trial and avoid prejudicial surprise." Def's mot. at 2. Defendant further contends he is prejudiced in preparing his defense because the allegations fail to specify the quantities of the items/chemicals that were allegedly possessed.

The government has responded that it has given Defendant "all discovery in its possession." Gov't. resp. at 2. The government further argues that he has been adequately apprised of the charges against him.

At this time the court will deny Defendant's motion without prejudice with the understanding that if the government fails to provide him with all of the discovery in its possession, it does so at its own peril and with the risk of reversal of any potential conviction.

ORDER

It is hereby **ORDERED** that defendant Kennedy's January 9, 2012 motion for a bill of particulars is **DENIED WITHOUT PREJUDICE**.

s/John Corbett O'Meara
United States District Judge

Date: March 13, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 13, 2012, using the ECF system.

s/William Barkholz
Case Manager